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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

YVONNE MARIE MARIS-NEGRON,

Plaintiff and Respondent,

v.

ANASTASIA FIELDING,

Defendant and Appellant.

E069608

(Super.Ct.No. CIVRS1700170)

OPINION

APPEAL from the Superior Court of San Bernardino County. Wilfred J. Schneider, Jr., Judge. Affirmed.

Anastasia Fielding, Appellant in pro. per.

No appearance for Defendant and Respondent.

In May 2017, Yvonne Maris-Negron filed a petition for a harassment restraining order against Anastasia Fielding. (Code Civ. Proc., § 527.6.) Fielding did not file a response.

At an ex parte hearing, the trial court entered a temporary restraining order (TRO) and set a hearing. The petition, the TRO, and the notice of hearing were personally served on Fielding while she was in the courtroom.

In June 2017, the trial court held the hearing on the petition. According to the minute order, “[Fielding] checked in and abruptly left[,] stating she had dogs in her car. [The c]ourt noted [Fielding’s] agitated state and that [Fielding] did not return to the courtroom.” (Capitalization altered, spelling corrected.) After hearing testimony from Maris-Negron, the trial court issued a restraining order.

Fielding appeals. However, the skimpy appellate record that she has provided to us does not include either the petition or a reporter’s transcript of the hearing. On this record, we must affirm.

Fielding contends that “[t]here have been no threats or harassment of any kind on my part” Because she has not given us a reporter’s transcript, however, she cannot show that this is true.

A court reporter was present at the hearing. However, when Fielding designated the record on appeal, she checked the box that said: “I elect to proceed[] [¶] WITHOUT a record of the oral proceedings in the superior court. I understand that, without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in determining whether an error was made in the superior court proceedings.”

“It is the duty of an appellant to provide an adequate record to the court establishing error. Failure to provide an adequate record on an issue requires that the issue be resolved against appellant. [Citation.]’ [Citation.] This principle stems from the well-established rule of appellate review that a judgment or order is presumed correct and the appellant has the burden of demonstrating prejudicial error. [Citations.] By failing to provide an adequate record, appellant cannot meet his burden to show error and we must resolve any challenge to the order against him. [Citation.]” (*Hotels Nevada v. L.A. Pacific Center, Inc.* (2012) 203 Cal.App.4th 336, 348.)

Fielding also contends that the trial court erred by granting the restraining order because she was not present. Even if she totally failed to appear, however, the trial court could properly proceed without her because she was timely and properly served (see Code Civ. Proc., § 527.6, subd. (m)) with notice of the hearing. (Code Civ. Proc., § 527.6, subd. (n) [“A notice of hearing . . . shall notify the respondent that if he or she does not attend the hearing, the court may make orders against him or her”].)

In any event, she did not fail to appear; rather, she appeared but then voluntarily absented herself. This did not prevent the trial court from proceeding (*Temple of Inspired Living v. Department of Social Service* (1979) 97 Cal.App.3d 564, 570) — obviously, because otherwise, a party who did not like the way the hearing was going could avoid an adverse ruling (and postpone the proceedings indefinitely) simply by walking out.

DISPOSITION

The order appealed from is affirmed. Because Maris-Negron has not appeared, we do not award costs on appeal against either party.

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RAMIREZ
P. J.

We concur:

McKINSTER
J.

FIELDS
J.